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C O N F I D E N T I A L SECTION 01 OF 02 MADRID 000073

SIPDIS

DEPARTMENT FOR EUR/SCE (MICHAEL FOOKS)

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TAGS: PGOV PHUM PREL SP

SUBJECT: DAS JONES' JANUARY 13 MEETING WITH SPAIN ON BOSNIA
AND KOSOVO

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Classified By: DCM Arnold Chacon for reasons 1.4 (b) and (d).

11. (U) Participants

U.S.

EUR DAS Stuart Jones
Bosnia Desk Officer Michael Fooks
Poloff Jenny Cordell (notetaker)

Spain

Director General for North America and non-EU Europe, Luis
Felipe Fernandez de la Pena
Subdirector General for Candidate and Neighborhood Policy
Countries, Ramon Albaroa
Spanish Ambassador to Bosnia and Herzegovina, Alejandro
Alvargonzalez
Candidate Country Coordinator, Javier Martin
Coordinator for the Director General of Foreign Policy,
Enrique Mora

Head of Western Balkans Task Force within the EU Council
Secretariat, Jonas Jonsson

Swedish Deputy Political Director, Lars Wahlund

12. (C) Summary: During January 13 consultations on the Balkans, EUR DAS Stuart Jones stressed the importance of strong US-EU coordination on Bosnia and Kosovo during the Spanish EU presidency. He reiterated USG support for 5 2 prior to OHR's closure, made clear the USG would continue to support the Butmir process in Bosnia as long as time remained for constitutional amendments to take effect prior to the October elections, and stressed the importance of visible U.S. and EU engagement in the pre-election period. But he emphasized that any changes to the Butmir package must be undertaken by the Bosnian parties, and that the USG would not/not support Spain's proposal to scale back the package. Jones indicated that Deputy Secretary Steinberg would be prepared to visit Sarajevo along with High Representative Ashton and FM Moratinos for meetings with individual party leaders, but that we do not support bring the party leaders together absent evidence that they have first narrowed their differences. DG Fernandez de la Pena emphasized that Bosnia would be a strategic focus of Spain's EU presidency and stressed a desire to continue the Butmir process with the USG. Spain was receptive to USG suggestion for enhancing the EU authorities of HiRep Inzko prior to OHR transition, but also expressed an interest in splitting the OHR and EUSR functions and posting the OHR HiRep "off shore" as a means for focusing the Bosnians on the need to reach decisions themselves. Fernandez de la Pena made clear that Spain's non-recognition of Kosovo would not change, but assured that Spain would be constructive and stay in line with the EU view

during the Presidency. End Summary.

//Bosnia//

¶13. (C) The USG remains committed to Butmir, Jones explained, since the process is the best manifestation of international community engagement and one with which we still have a narrow window of opportunity for progress and legal change. Jones also explained, however, that the USG is not willing to get involved in the development of a new draft, nor would we pressure parties to accept a pared-down package, as Spain had suggested. While the USG could support a slimmed down package focusing on European Convention on Human Rights and the "EU clause" were the Bosnians to decide on such an approach themselves, an international proposal to do so would be interpreted as a capitulation to Republika Srpska Prime Minister Dodik and undermine Bosniak moderates in advance of the elections. Jones also made clear that while we support continued engagement with the parties on the Butmir package, we do not believe it would be constructive to bring the parties together as a group absent indications from the parties that they are close to an agreement.

¶14. (C) Fernandez de la Pena explained that Spain's proposed February 16 seminar with the Bosnian leaders in Madrid was a place holder for EU Presidency planning purposes and may be rescheduled depending on needs. "Spain will use the time when and how it is convenient to negotiations," he explained, emphasizing that they would not consider it a way of moving forward if the USG did not support it. In the alternative, Fernandez de la Pena proposed using Spain's special relationship with the parties to find out where RS PM Milorad Dodik and SDP President Zlatko Lagumdzija stand, followed by subsequent meetings, noting that Ashton and Moratinos had exchanged schedules and remain poised to meet. Jones

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welcomed the notion of Spain holding individual meetings with the party leaders to suss out their views, but cautioned that any invitations be issued discreetly if any progress is to be made, and with Brussels in attendance so as to avoid any false starts. Jones offered to attend such meetings and any subsequent engagement with the parties in Sarajevo, as appropriate. Spain took the timeline and suggestions on board.

¶15. (C) Affirming the USG commitment to 5 2 compliance and given the current negative political climate, Jones made clear that OHR closure is not an option at this time. Moreover, he expressed concern over the proposal to split the OHR and EUSR functions, which would undermine U.S./EU unity. Recognizing the OHR's diminished credibility, Jones proposed instead that the EU move forward with its plan - already agreed to in principle amongst the 27 member states - to implement an expanded "tool box" for the EU Special Representative (EUSR). The carrots and sticks provided in the proposed EUSR "tool kit" (including economic powers, the creation of a cell within the EUSR office to address constitutional reform, and the ability to seek visa sanctions from the Council) would encourage reform and deter destabilizing actions, especially given the lack of consensus in Peace Implementation Council and the difficulties associated with Bonn power decisions. Recognizing the risk of defaulting to the status quo, the Spanish appeared to welcome this idea and take it on board and undertook to consult further with Brussels. Citing the sensitivity of the matter, Fernandez de la Pena demurred on the possibility of consideration of installing new leadership at OHR as a means to enhance its effectiveness. Fernandez de la Pena made clear that Madrid did not support strengthening OHR, which it feared would increase prospects of a confrontation with Dodik.

¶16. (C) Jones reminded Fernandez de la Pena that an election year was not the time to phase out EUFOR's Althea operation and that allies should seek to retain Chapter VII

capabilities under the UN Charter. Although Fernandez de la Pena noted the Chapter VII point, he said there could be an adjustment in the level of forces. As for now, Spain remains a top contributor, he added.

//Kosovo//

¶17. (C) DAS Jones explained that while the USG understands the GOS position, there is still room to work together. First, Jones explained the anticipation that upon receipt of the International Court of Justice (ICJ) decision, and regardless of the outcome, Belgrade would seek support for driving status talks within the UN General Assembly (GA). He pointed out that this action, while potentially divisive within the GA amongst EU member states, is also a distraction to the effort toward regional stability and not helpful with respect to Serbia's EU aspirations. Secondly, Jones shared that is strongly opposed to Serbia using the electricity grid as means of partition; UNMIK law required that all Kosovo be served by the Kosovo State Electricity Company, KEK.

¶18. (C) Fernandez de la Pena assured that Spain would be constructive and stay in line with the EU view during the Presidency, but that the GOS position would not change. He said that Spain, too, very much wants to "Europeanize" Serbia and that they indeed worked hard to remove obstacles to Serbia's EU membership application. He appeared to agree that seeking a resolution on status talks in the GA would be inappropriate and agreed to discourage Serbia from doing so. He said that the GOS would be opposed to any type of partitioning and offered that there was still room for Serbia and Pristina to negotiate a practical cooperation agreement.

¶19. (C) Jones lastly reminded Fernandez de la Pena that an election year was not the time to phase out EUFOR's Althea operation and that allies should seek to retain Chapter VII capabilities under the UN Charter. Although Fernandez de la Pena noted the Chapter VII point, he said there could be an adjustment in the level of forces. As for now, Spain remains the top contributor, he added.

¶10. (U) This cable has been cleared by DAS Jones.
SOLOMONT